

UNITED STATES DEPARTMENT OF AGRICULTURE

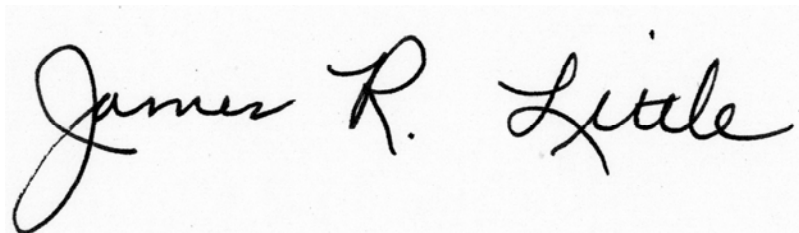
Farm Service Agency
Washington, DC 20250

Notice AO-1323

For: State and County Offices

**Lamb Promotion, Research, and Information Program - Continuance Referendum
January 31 through February 28, 2005**

Approved by: Administrator

A handwritten signature in black ink that reads "James R. Little". The signature is written in a cursive style with a large initial 'J' and 'L'.

1 Overview

A Background

The Commodity Promotion, Research, and Information Act of 1996 (Act) authorizes a program of promotion, research, and information to be developed under the authority of the Lamb Promotion, Research, and Information Order (Order).

The Act requires that the Secretary of Agriculture conduct a referendum no later than 3 years after the assessments first begin, during a representative period established by the Secretary among persons subject to assessment. Those persons would include lamb producers, feeders, seedstock producers, and first handlers.

The Order will continue if a majority of those persons voting, who also represent a majority of the volume of lambs, owned and produced, owned and fed, or slaughtered, vote in favor of continuing the program.

The Administrator of the Agricultural Marketing Service (AMS) is responsible for conducting the referendum. FSA is responsible for assisting AMS with the referendum.

Disposal Date

July 1, 2006

Distribution

State Offices; State Offices relay to County
Offices

1 Overview (Continued)

B Purpose

This notice provides instructions to State and County Offices on how to carry out FSA's responsibilities in conducting the Lamb Promotion, Research, and Information Program continuance referendum.

This notice obsoletes notice AO-1323.

C Contact

State Offices shall direct questions about this notice to Linda Cronin, Field Operations Staff, at 202-720-7228 or e-mail **linda.cronin@wdc.usda.gov**.

2 Action

A State and County Office Action

State and County Offices shall assist AMS in conducting the referendum according to paragraph 2 and Exhibits 1 through 7. Instructions were provided by AMS.

Note: The Lamb Promotion, Research, and Information Board (Board) will reimburse FSA for expenses incurred.

| Step | Action |
|------|--|
| 1 | <p>County Offices shall publicize the referendum by including referendum information in regular newspaper articles, county newsletters, or radio programs (Exhibit 2).</p> <p>Note: County Offices shall not prepare a special mailing of postcards or newsletters to publicize the referendum. Information distributed through normal media outlets will be sufficient announcement of the referendum. Costs incurred for special mailings will not be reimbursed by the Board.</p> |
| 2 | <p>County Offices shall:</p> <ul style="list-style-type: none"> maintain a register of associated and reimbursable expenses and enter the expenses in Part A of the expense form in Exhibit 3, to the State Office by March 24, 2005 report the results of the referendum to the State Office by, March 24, 2005, using Part A of the transmittal form in Exhibit 4. |
| 3 | <p>State Offices shall:</p> <ul style="list-style-type: none"> summarize and enter County Office expenses in Part B of expense form in Exhibit 3 <p>Note: Associated and reimbursable expenses incurred by the State Office shall be added to the summarized County Office expenses for a total State report.</p> <ul style="list-style-type: none"> summarize the County Office results using Part B of transmittal form in Exhibit 4 transmit the summarized expenses and results to Linda Cronin, Field Operations Staff, by either FAX to 202-720-5900 or e-mail to linda.cronin@wdc.usda.gov. |

Note: Exhibit 3 and Exhibit 4 are available at:

<http://165.221.16.90/dam/ffasforms/currentforms.asp>. These forms do not have a form number. Under Form Title Keyword enter lamb promotion.

2 Action (Continued)

B Download Form LS-86, Lamb Promotion, Research, and Information Order Referendum

County Offices should obtain LS-86 (Exhibit 7) through the AMS Internet web site and reproduce locally as necessary.

Note: AMS's Internet address is: <http://www.ams.usda.gov/lsg/mpb/rp-lamb.htm>. Click on "Information on the Lamb Checkoff Referendum". Click on "Form LS-86".

LS-86 will only be available on AMS web site January 31 through February 28, 2005.

3 Maintaining FSA's Impartiality

A Following Dates and Timeframe

It is extremely important that State and County Offices follow this notice accurately and according to the dates and timeframe provided.

B Caution on Impartiality

State and County Office employees and COC members shall use caution to ensure that FSA does not exhibit bias or partiality. State and County Offices shall **not** become involved in the following:

- encouraging or discouraging persons from voting
- prejudice for or against the Lamb Promotion, Research, and Information Order.

AMS Instructions for Conducting the Referendum

1 Conduct of a Referendum on the Lamb Promotion, Research, and Information Order

A Responsibilities

The Administrator of AMS is responsible for conducting the referendum. FSA will assist in conducting the referendum by:

- publicizing the referendum
- accepting ballots from voters
- determining eligibility
- reporting referendum results.

B Purpose

The purpose of these instructions is to:

- describe the significance of the referendum
- establish procedures about:
 - State and County Office actions
 - eligibility
 - showing evidence for voting eligibility
 - canvassing and counting ballots and reporting results
 - retention and disposition of records.

2 Referendum Timeframe

A Significance of the Referendum Outcome

The Order will continue if a majority of those eligible persons voting:

- cover a majority of the volume represented in the referendum
- vote in favor of the program.

B Time and Place of Referendum

The referendum shall be held in County Offices from **January 31 through February 28, 2005.**

AMS Instructions for Conducting the Referendum (Continued)**3 Eligibility****A Eligibility Requirements**

Any **“person”** subject to the assessment who, during the representative period determined by the Secretary, has engaged in the production, feeding, or slaughtering of lambs is eligible to participate in the referendum.

The Act defines **“person”** as any individual, group of individuals, partnership, corporation, association, cooperative, or any other legal entity.

The Order defines **“lamb”** as any ovine animal of any age, including ewes and rams.

Exceptions: A person **not** eligible to vote is someone:

- whose only share in the proceeds of a sale of lambs is a sales commission, handling fee, or other service fee
- who acquired ownership of lambs to facilitate the transfer of ownership to a third party and who resold the lambs no later than 10 days from the date of acquiring ownership.

The representative period is **January 1 through December 31, 2004.**

B Vote Eligibility Clarification

A group of individuals who engaged in the production, feeding, or slaughtering of lambs between January 1 through December 31, 2004, as a producer, feeder, or first handler shall be entitled to cast only 1 vote. Examples of these groups are:

- members of a family
- joint tenants
- tenants in common
- partnership, general or limited
- owners of community property
- corporation.

AMS Instructions for Conducting the Referendum (Continued)

3 Eligibility (Continued)

B Vote Eligibility Clarification (Continued)

Any individual member of a group, who is an eligible person separate from the group, may vote separately.

Example: Husband and wife own operation A. Wife owns operation B. One vote may be cast; 1 for operation A and 1 for operation B provided that both operations provide separate supporting documentation for each operation.

Participation in the referendum by proxy or Power of Attorney (to act for another) **is not authorized**, except that an authorized representative of any eligible producer, feeder, or first handler entity (other than an individual person), such as a corporation or partnership, may vote on behalf of that entity. FSA-211 is **not** applicable since it specifically deals with FSA programs.

- An officer or authorized representative of a qualified corporation, association, or limited partnership may vote for that corporation, association, or limited partnership.
- A guardian, administrator, executor, or trustee of any qualified estate or trust may vote for that estate or trust.
- Proxy registration is **not** authorized; an individual **cannot** vote on behalf of another individual, like a spouse, sharecrop lease, etc.

Under no circumstance should any person wanting to vote be refused the opportunity to do so. See paragraph 6 for ballot canvassing.

4 Referendum Boxes and LS-86

A Referendum Boxes

County Offices shall provide a holding box or container of sufficient size so that no ballot can be read or removed without breaking seals on the container.

B Obtaining LS-86

Eligible persons may obtain LS-86 in-person, by mail, FAX, or telephone. LS-86 shall be mailed directly to the eligible person at the address provided by requestor.

Persons may obtain LS-86 through the internet, during the period January 31 through February 28, 2005, at: <http://www.ams.usda.gov/lsg/mpb/rp-lamb.htm>.

AMS Instructions for Conducting the Referendum (Continued)**5 Voting****A Completing LS-86**

County Offices must provide all persons the opportunity to vote during regular business hours **January 31 through February 28, 2005.**

A completed and signed LS-86 and supporting documentation must be returned to the County Office where the person's farm records are administratively located.

Note: Supporting documentation should consist of documents sufficient to convince the COC that the person was engaged in the production, feeding, or slaughtering of lambs between January 1 through December 31, 2004. Documents may include sales receipts, breed registration records, remittance forms, etc.

For a person not participating in FSA programs, the opportunity to vote in the referendum will be provided at the County Office serving the county where the person's operation is located. If an operation is located in several counties, the voting office shall be determined based on the major portion of the operations location.

Note: Each person is entitled to only 1 vote, see paragraph 3.

B Eligible Persons Responsibilities

Eligible persons must:

- complete the ballot in its entirety
- vote "yes" or "no" to continue the program
- enter the number of lambs (volume of production) owned and produced, owned and fed, or slaughtered from January 1 through December 31, 2004
- provide supporting documentation
- sign the ballot certifying that they were engaged in the production, feeding, or slaughtering of lambs between January 1 through December 31, 2004, and that the volume of production voted is true and accurate to the best of their knowledge.

AMS Instructions for Conducting the Referendum (Continued)**5 Voting (Continued)****C Voting Volume of Production**

The volume of production must be determined by the person and included on the ballot and must be verifiable. The volume of production is recorded as follows:

- producers and seedstock producers enter the **total number** of live domestic lambs **owned** and **produced** from January 1 through December 31, 2004
- feeders enter the **total number** of lambs owned and **fed** from January 1 through December 31, 2004
- first handlers enter the **total number** of lambs **slaughtered** during from January 1 through December 31, 2004.

If a person is involved in more than 1 type of production such as producer, feeder, or first handler, that person records the number of ovine animals owned at each stage of production.

Example: Mrs. Doe owned and produced 150 ovine (100 ewes and 50 lambs) during the representative period. Mrs. Doe fed 50 lambs to slaughter weight and had all of those lambs custom slaughtered by a local facility. In this example, Mrs. Doe is entitled to vote “yes” or “no” 1 time and will enter the number of animals for each owed during each type of production. Thus, Mrs. Doe will enter 150 under “producer”, 50 under “feeder”, and 50 under “first handler” for a total of 250. If the lambs were sold directly to the first handler, then Mrs. Doe would enter 200.

D In-Person at the County Office

A voter who obtains LS-86 in-person at the County Office may complete and return the form at that time. The voter must:

- complete and sign LS-86 **and** attach (staple) the supporting documentation
- place LS-86 and attached supporting documentation in the holding box or container.

Note: If a voter wants the supporting documentation returned, date stamp, make a copy to attach to LS-86, and return the original supporting documentation to the voter.

AMS Instructions for Conducting the Referendum (Continued)**5 Voting (Continued)****E By Mail or FAX**

Voters who return LS-86 by mail or FAX must complete and sign LS-86 and return LS-86 to the appropriate County Office with supporting documentation.

When LS-86 is returned by mail or FAX, the County Office shall:

- **date stamp** the LS-86
- attach by staple any supporting documentation (copies are acceptable)
- place LS-86 and attached documentation in the holding box or container.

Note: FSA-237 does **not** need to be on file for ballots returned by FAX.

6 Canvassing Ballots**A Confidentiality**

The names of persons voting in the referendum shall be confidential and may **not** be divulged except as the Secretary may direct.

B Date and Employees for Canvassing

Canvassing of LS-86's shall take place on **March 8, 2005**. At least 2 COC members shall assist with the canvassing. If the County Office serves more than 1 county, then a COC member from each county served by the County Office shall assist in the canvassing.

Exception: STC or SED, if authorized by STC, may designate CED and a State or County Office employee to canvass requests:

- if it is determined that the number of LS-86's is so limited that having members of COC present would be impractical
- in any emergency situation precluding at least 2 members of COC from being present to canvass the requests.

Note: It is the responsibility of the voter to provide information needed by the County Office to determine eligibility. It is not the responsibility of the County Office to obtain this information.

AMS Instructions for Conducting the Referendum (Continued)**6 Canvassing Ballots****C Valid Ballots**

Consider a ballot as being valid if:

- the person has been determined eligible
- LS-86 has been completed in its entirety
- sufficient supporting documentation has been provided.

D Ineligible Ballots

If FSA cannot determine that a person is eligible based on the submitted documentation, or if the person fails to submit documentation, the person shall be determined to be ineligible.

E Invalid Ballots

An invalid ballot may include, but is not limited to:

- LS-86 not signed or entirely completed
- all required information not provided
- LS-86 and supporting documentation:
 - returned **in person** or **by FAX** was not received by COB on **February 28, 2005**
 - returned **by mail** was not postmarked by **February 28, 2005**
 - returned **by mail** was not received in the County Office before **March 7, 2005**
 - is mutilated or marked in a way that any required information is illegible
 - was not returned to the appropriate County Office.

AMS Instructions for Conducting the Referendum (Continued)**6 Canvassing Ballots (Continued)****F Notification of Ineligibility**

If FSA cannot determine that a person is eligible based on the submitted documentation, or if the person fails to submit the required documentation, the person shall be determined to be ineligible. FSA shall notify ineligible persons in writing as soon as practicable, but no later than **March 10, 2005**. Use the following language in the letter of notification of ineligibility.

Dear [challenged participant's name]:

This is to inform you that your eligibility to participate in the referendum on the Lamb Promotion, Research, and Information Order has been questioned.

In order for us to determine if your ballot is valid, you must provide us with supporting documentation showing that you were engaged in the production, feeding, or slaughtering of lambs between January 1 through December 31, 2004.

If, within 5 business days after the postmark date of this letter, we do not receive in the County Office additional documentation supporting your eligibility to participate in the referendum, your ballot will not be eligible to be counted.

G Appeals

A person declared to be ineligible by FSA can appeal the decision and provide additional documentation to the FSA County Office within 5 business days after the postmark date of the letter of notification of ineligibility according to subparagraph F. FSA will then make a final decision on the person's eligibility and notify the person of the decision no later than **March 18, 2005**. Use the language shown below in the letter to notify the person of the decision. (Be sure the second paragraph reflects the decision made by FSA.) COC is the final on eligibility determinations. No other appeal rights are applicable.

Dear [challenged participant's name]:

This is to inform you that FSA has reviewed the documents that you provided in connection with the appeal regarding your eligibility to vote in the referendum on the Lamb Promotion, Research, and Information Program Continuance Referendum.

Based on your documentation, we have determined that you (meet/do not meet) the eligibility requirements. We are therefore (including/not including) your ballot among those that will be counted in the referendum.

AMS Instructions for Conducting the Referendum (Continued)**7 Voting Data****A Counting Ballots**

If there are **no** ineligibility determinations to resolve, the ballots shall be counted on the same day as the ballots are canvassed, that is **March 8, 2005**.

For County Offices that **do have** ineligibility determinations to resolve, the ballots shall be counted **after** the ineligible determinations have been resolved, but no later than **March 18, 2005**.

LS-86's shall be counted, as follows:

| Item | Description |
|-------------|--|
| 1 | Number of valid ballots cast. |
| 2 | Number of persons favoring the Order. |
| 3 | Number of persons not favoring the Order. |
| 4 | Volume of production recorded by persons favoring the Order. |
| 5 | Volume of production recorded by persons not favoring the Order. |
| 6 | Number of invalid ballots. |

B County Office Report

County Offices shall certify and provide the results and expenses to the State Office as soon as the ballots are counted, but no later than **March 24, 2005**. See Exhibits 3 and 4.

The results in each county may be made available to the public upon notification by the Administrator, FSA, that the final results have been released by the Secretary. A copy of the report shall be posted for 30 calendar days **following** the date of notification by the Administrator, FSA, in the County Office in a conspicuous place accessible to the public.

C State Office Report

Each State Office shall certify and provide the results and expenses incurred by County Offices to FSA, DAFO, as soon as possible, but no later than **March 28, 2005**, a report summarizing the data contained in each of the reports from the County Offices. One copy of the State summary shall be filed for a period of 1-year and available for public inspection after the results have been released.

D Results of the Referendum

The results of the referendum will be issued by USDA in an official press release and published in the Federal Register.

AMS Instructions for Conducting the Referendum (Continued)**7 Voting Data (Continued)****E Disposition of Records**

Each CED will place in a sealed container marked “Lamb Promotion and Research Program Continuance Referendum”, all:

- LS-86’s
- supporting documentation
- any other related material
- county summaries.

The records will be placed in a secure location under the custody of CED for a period of not less than 1-year after the date of notification by the Administrator, FSA, that the Secretary has announced the results. If the County Office receives no notice to the contrary from the Administrator, FSA, by the end of the 1-year period, CED or designee shall destroy the records.

News Release**USDA ISSUES FINAL PROCEDURES AND SETS DATE FOR LAMB REFERENDUM**

WASHINGTON, Dec. 23, 2004 -- The U.S. Department of Agriculture's Agricultural Marketing Service today announced the final procedures for a continuance referendum under the Lamb Promotion, Research and Information order, more commonly known as the Lamb Checkoff Program, and also announced that the referendum will be conducted January 31 through February 28, 2005.

The referendum will be conducted at USDA's County Farm Service Agency (FSA) offices. To be eligible to participate, persons must certify and provide documentation, such as a sales receipt or remittance form, that shows they have been engaged in the production, feeding or slaughtering of lambs during the period of January 1 through December 31, 2004.

Beginning January 31, 2005, and continuing through February 28, 2005, persons may obtain form LS-86 to vote in the referendum from County FSA Offices either in person, by mail, or facsimile. Forms may also be obtained via the Internet at <http://www.ams.usda.gov/lsg/mpb/rp-lamb.htm>.

Persons will vote in the referendum at the County FSA Office where their administrative farm records are maintained. For persons not participating in FSA programs, the opportunity to vote will be provided at the County FSA Office where the person owns or rents land. Form LS-86 and supporting documentation may be returned in person, by mail, or facsimile to the appropriate County FSA Office. Form LS-86, and accompanying documentation returned in person or by facsimile, must be received in the appropriate County Office before the close of business of February 28, 2005. Form LS-86 and accompanying documentation returned by mail must be postmarked no later than midnight of February 28, 2005, and received in the County FSA Office by March 7, 2005.

For the program to continue, it must be approved by a majority of voters who also represent a majority of the volume represented in the referendum.

The Lamb Checkoff Program is authorized by the Commodity Promotion, Research and Information Act of 1996. This program provides for assessments on the sale of lamb and lamb products and for an industry board to carry out promotion, research and information programs designed to increase the demand for lamb and lamb products.

The referendum is mandated by the Act and requires that the Secretary of Agriculture conduct a referendum either before its going into effect or within 3 years after assessments first begin under an order. The order provides that the referendum be held within 3 years after assessments first begin. Assessments began July 1, 2002. AMS oversees the activities of the program.

The procedures and notice for the referendum will be published in the December 27, 2004, Federal Register. For more information contact Kenneth R. Payne, Chief, Marketing Programs Branch, AMS Livestock and Seed Program, USDA at Stop 0251, 1400 Independence Ave., SW, Washington, DC 20250-0251 or by telephone at 202-720-1115.

List of State and County Expenses for Lamb Promotion and Research Program Referendum

This is an example of expense form.

This form is available electronically.

(01-25-05) U.S. DEPARTMENT OF AGRICULTURE
Farm Service Agency

LIST OF STATE AND COUNTY EXPENSES FOR LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER REFERENDUM

| | | |
|---------------|----------------|--|
| 1. State Name | 2. County Name | |
|---------------|----------------|--|

PART A - TO BE COMPLETED BY COUNTY OFFICE

| | | |
|---|-----------------|----------|
| 3. List Grade and Title of personnel working on request for referendum, including COC | A. Hours Worked | B. Costs |
| | | \$ |
| | | \$ |
| | | \$ |
| 4. Reproduction Costs | | \$ |
| 5. Mailing Costs | | \$ |
| 6. TOTAL: | | \$ |

7. County Office Certification:
I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.

| | | |
|---------------------|----------------------|-------------------------------|
| A. Name of Preparer | B. Title of Preparer | C. Date Prepared (MM-DD-YYYY) |
| | | |

PART B - TO BE COMPLETED BY STATE OFFICE

| | | |
|---|-----------------|----------|
| 8. List Grade and Title of personnel working on request for referendum, including STC | A. Hours Worked | B. Costs |
| | | \$ |
| | | \$ |
| | | \$ |
| 9. Reproduction Costs | | \$ |
| 10. Mailing Costs | | \$ |
| 11. TOTAL: | | \$ |

12. State Office Certification:
I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief.

| | | |
|---------------------|----------------------|-------------------------------|
| A. Name of Preparer | B. Title of Preparer | C. Date Prepared (MM-DD-YYYY) |
| | | |

NOTE: State Office shall email or FAX results to National Office.
ATTENTION: Linda Cronin at linda.cronin@wdc.usda.gov or Fax to (202) 720-5900.

Transmittal of Results Sheet for Lamb Promotion and Research Program Referendum

This is an example of the transmittal form.

| | | | | | |
|--|--|----------------------|---|-------------------------------|--|
| This form is available electronically. (01-25-05) | | | U.S. DEPARTMENT OF AGRICULTURE Farm Service Agency | | |
| TRANSMITTAL OF RESULTS SHEET FOR LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER REFERENDUM | | | | | |
| 1. State Name | | | 2. County Name | | |
| PART A - TO BE COMPLETED BY COUNTY OFFICE | | | | | |
| 3. Total number of producers who filed form LS-86, "Lamb Promotion, Research and Information Order Referendum. | | | | | |
| 4. Number of eligible producers requesting a referendum. | | | | | |
| 5. Number of ineligible producers requesting a referendum. | | | | | |
| 6. Number of valid requests for a referendum. | | | | | |
| 7. Number of invalid requests for a referendum. | | | | | |
| 8. County Office Certification: I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief. | | | | | |
| A. Name of Preparer | | B. Title of Preparer | | C. Date Prepared (MM-DD-YYYY) | |
| PART B - TO BE COMPLETED BY STATE OFFICE | | | | | |
| 9. Total number of producers who filed form LS-86, "Lamb Promotion, Research and Information Order Referendum. | | | | | |
| 10. Number of eligible producers requesting a referendum. | | | | | |
| 11. Number of ineligible producers requesting a referendum. | | | | | |
| 12. Number of valid requests for a referendum. | | | | | |
| 13. Number of invalid requests for a referendum. | | | | | |
| 14. State Office Certification: I hereby certify that I have reviewed the information on this form, and that it is true, complete, and correct to the best of my knowledge and belief. | | | | | |
| A. Name of Preparer | | B. Title of Preparer | | C. Date Prepared (MM-DD-YYYY) | |
| NOTE: State Office shall email or FAX results to National Office. ATTENTION: Linda Cronin at linda.cronin@wdc.usda.gov or Fax to (202) 720-5900. | | | | | |

Referendum Calendar

This table is a calendar of activities for the referendum.

| Dates | Event |
|--------------------------------------|--|
| January 1 through December 31, 2004 | Representative period. |
| January 31 through February 28, 2005 | Referendum 4-week period. |
| February 28, 2005 | FAX and in-person ballots must be received by COB. |
| February 28, 2005 | Mail-in ballots must be postmarked no later than midnight. |
| March 7, 2005 | Mail-in ballots must be received in the County Office. |
| March 8, 2005 | Begin: <ul style="list-style-type: none"> • canvassing and counting ballots • notifying ineligible producers in writing. |
| March 10, 2005 | Last day to notify ineligible voters in writing. |
| March 17, 2005 | Last day for ineligible voter to provide additional information regarding eligibility. |
| March 18, 2005 | Last day to determine eligibility. |
| March 18, 2005 | All ballots must be counted. |
| March 24, 2005 | Final date for County Offices to send results to the State Office. |
| March 28, 2005 | Final date for State Offices to send results to DAFO, National Office. |

Questions and Answers about the required referendum on the Lamb Promotion, Research, and Information Order

1. How was the lamb checkoff program established?

The Lamb Promotion, Research, and Information Order (Order), more commonly known as the Lamb Checkoff Program is authorized under the Commodity Promotion, Research, and Information Act of 1996. The final Order, which was published on April 11, 2002, outlines how the program is to be carried out. Assessments began July 1, 2002.

2. Who administers the program?

The program is overseen by the Secretary of Agriculture (Secretary) and carried out by the Lamb Promotion, Research, and Information Board (Board). The 13-member Board, which is comprised of producers, feeders, seedstock producers, and first handlers (packers), administers the program. The Board is nominated from State and national producer, feeder, seedstock, and first handler organizations and appointed by the Secretary.

3. What is the Department of Agriculture's (USDA) role in the program?

USDA has two basic roles under the Act. The first role is to assist with the implementation of the Act, which includes preparation and publication in the Federal Register the rules and regulations, referendum rules, and other required documents. The second role is to oversee the program's activities conducted by the Board to ensure that they comply with the law.

4. What is a Referendum?

The Order provides that USDA must conduct a referendum no later than 3 years after assessments began to determine if the program should be continued or terminated. Those eligible to participate in the referendum will decide whether the program will continue. Subsequent referenda shall be conducted at the request of the Board, at the request of 10 percent or more of the number of persons eligible to vote in referenda, and at the request of the Secretary, or not later than seven (7) years after the assessments began.

Questions and Answers about the Referendum on the Lamb Checkoff Program (Continued)**5. Where and when will the Referendum be conducted?**

The referendum will be conducted at County Farm Service Agency (FSA) Offices. Individual producers, feeders, and first handlers and authorized entity representatives may cast a ballot between **January 31 and February 28, 2005**, at the County FSA Office at which their administrative farm records are maintained. Producers that do not participate in FSA programs and do not have a County Office at which their records are maintained, may cast a ballot at the County FSA Office serving the county where the land is located on which the lambs were produced. Eligible persons may obtain form LS-86 by mail, in person, telephone, or facsimile during the period **January 31 and February 28, 2005**. LS-86 may also be obtained through the Internet at <http://www.ams.usda.gov/lsg/mpb/re-lamb.htm> during the same time period. Ballots submitted by mail must be postmarked no later than midnight **February 28, 2005**, and received in the County FSA Office by **March 7, 2005**. All other requests for ballots made by facsimile or in person must be received in the County FSA Office by COB **February, 28, 2005**. The canvassing of ballots will take place on **March 8, 2005**.

6. Who is "eligible"?

Each person engaged in the production, feeding, or slaughtering of lambs and provides evidence such as a bill of sale or remittance form that they or the entity they represent have engaged in the production, feeding or slaughter of lambs between January 1 through December 31, 2004, is eligible to participate in the referendum.

7. Can a spouse, child, or partner participate in the referendum?

A group of individuals (such as members of a family, joint tenants, tenants' in common, a partnership, or owners of community property) is considered a producer entity and is entitled to a single "vote". Individual members of a group such as a spouse, child, partner, sibling, shareholder, etc. are eligible to participate as an individual if they produced and marketed animals as individuals during the representative period.

8. Can a farm manager or other representative with power of attorney vote in the referendum?

Participation by power of attorney or proxy for an individual is not authorized, except when an authorized representative may vote on behalf of an entity (such as a corporation or partnership). See subparagraph 3 B.

Questions and Answers about the required referendum on the Lamb Promotion, Research, and Information Order (Continued)

9. Who will participate in the Referendum?

Only those persons who wish to vote in the referendum. Voting in the referendum is not mandatory.

10. How is the outcome of the Referendum determined?

Approval in a referendum would require approval by a majority of those persons voting and who represent a majority of the volume represented in the referendum.

Lamb Promotion, Research, and Information Order

This is an example of LS-86.

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| REPRODUCE LOCALLY. Include form number and date on all reproductions. | | FORM APPROVED - OMB NO. 0581-0227 |
| UNITED STATES DEPARTMENT OF AGRICULTURE AGRICULTURAL MARKETING SERVICE | | |
| LAMB PROMOTION, RESEARCH, AND INFORMATION ORDER REFERENDUM | | |
| <p>NOTE: For the purpose of this referendum, "Lamb" means ovine animals of any age, including ewes and rams. Please Complete Sections A, B, C, and D</p> | | |
| Section A: | | |
| Do you favor the continuation of the Lamb Promotion, Research, and Information Order? | | |
| Yes <input type="checkbox"/> No <input type="checkbox"/> | | |
| Section B: Type(s) of Production | | Enter Number of Lambs |
| Producer/Seedstock | | |
| -Total number of domestic lambs owned and produced during calendar year 2004 | | |
| Feeder | | |
| -Total number of lambs owned and fed during calendar year 2004 | | |
| First Handler (Packer) | | |
| -Total number of lambs slaughtered during calendar year 2004 | | |
| Total: | | |
| Section C: Name and Address | | |
| Name of person or Other Entity Represented: (Print) | | |
| Address: (Street, P.O. Box, or Route No.) | | |
| City: | State: | Zip Code: |
| Section D: Certification Statement and Signature | | |
| <p><i>I HEREBY CERTIFY that I am a person (any individual, group of individuals, partnership, corporation, association, cooperative or any other legal entity) or authorized representative and have engaged in the production, feeding, or slaughtering of lambs sometime from January 1, 2004, through December 31, 2004. I am voting only once in the same capacity registered.</i></p> <p><i>I FURTHER CERTIFY that the supporting documentation that I am providing along with this form and the volume of production voted is true, complete, and correct.</i></p> <p><i>FAILURE TO PROVIDE supporting documentation showing that the person voting was engaged in the production, feeding, or slaughtering of lambs from January 1, 2004, through December 31, 2004, enter number of lambs, complete the ballot in its entirety, or provide a signature will invalidate this ballot.</i></p> | | |
| _____ Signature | | |
| _____ Title | _____ Date | |
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| LS-86 (10-04) | | |